

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87094382
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION (current)	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87094382/large
LITERAL ELEMENT	KEEP AMERICA GREAT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
MARK SECTION (proposed)	
MARK	KEEP AMERICA GREAT
LITERAL ELEMENT	KEEP AMERICA GREAT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0004.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0005.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0006.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0007.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0008.JPG
DESCRIPTION OF EVIDENCE FILE	Hello! I was not aware that my trademark must not be dominate on the apparel I am selling in order to qualify as a trademark. I have attached a shirt and hat I am also selling that has the trademark more appropriately printed, as a decorative or ornamental feature of applicant's clothing to identify and distinguish my clothing from others. I'm no expert so I didn't know!
GOODS AND/OR SERVICES SECTION (009)(no change)	
GOODS AND/OR SERVICES SECTION (025)(current)	
INTERNATIONAL CLASS	025
DESCRIPTION	T-shirts, tank tops, hats
FILING BASIS	Section 1(a)

FIRST USE ANYWHERE DATE	At least as early as 06/18/2016
FIRST USE IN COMMERCE DATE	At least as early as 06/18/2016
GOODS AND/OR SERVICES SECTION (025)(proposed)	
INTERNATIONAL CLASS	025
DESCRIPTION	T-shirts, tank tops, hats
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/18/2016
FIRST USE IN COMMERCE DATE	At least as early as 06/18/2016
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0009.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0010.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0011.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0012.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0013.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\870\943\87094382\xml4\ ROA0014.JPG
SPECIMEN DESCRIPTION	I have attached a new specimen that shows the trademark used properly, not as the dominating part of the clothing but a decorative or ornamental feature of applicant's clothing meant to identify and distinguish my clothing from others.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Andreas Mueller/
SIGNATORY'S NAME	Andreas Mueller
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	2024509109
DATE SIGNED	12/12/2016
RESPONSE SIGNATURE	/Andreas Mueller/
SIGNATORY'S NAME	Andreas Mueller
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	2024509109
DATE SIGNED	12/12/2016
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Dec 12 10:39:48 EST 2016
	USPTO/ROA-XX.XXX.XX.XX-20

TEAS STAMP

161212103948310665-870943
82-570efe866c67aef71832f9
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PTO Form 1957 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **87094382** KEEP AMERICA GREAT(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87094382/large>) has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: KEEP AMERICA GREAT(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87094382/large>)

Proposed (USPTO generated image): KEEP AMERICA GREAT (Standard Characters, see [mark](#))

The mark consists of standard characters, without claim to any particular font, style, size, or color.

EVIDENCE

Evidence in the nature of Hello! I was not aware that my trademark must not be dominate on the apparel I am selling in order to qualify as a trademark. I have attached a shirt and hat I am also selling that has the trademark more appropriately printed, as a decorative or ornamental feature of applicant's clothing to identify and distinguish my clothing from others. I'm no expert so I didn't know! has been attached. [Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 025 for T-shirts, tank tops, hats

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/18/2016 and first used in commerce at least as early as 06/18/2016 , and is now in use in such commerce.

Proposed: Class 025 for T-shirts, tank tops, hats

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/18/2016 and first used in commerce at least as early as 06/18/2016 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 025 . The specimen(s) submitted consists of I have attached a new specimen that shows the trademark used properly, not as the dominating part of the clothing but a decorative or ornamental feature of applicant?s clothing meant to identify and distinguish my clothing from others. .

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] **OR** **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. **OR** **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen]. [Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: **for a trademark or service mark application**, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; **for a collective trademark, collective service mark, collective membership mark, or certification mark application**, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; **for a certification mark application**, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Andreas Mueller/ Date: 12/12/2016
Signatory's Name: Andreas Mueller
Signatory's Position: Owner
Signatory's Phone Number: 2024509109

Response Signature

Signature: /Andreas Mueller/ Date: 12/12/2016
Signatory's Name: Andreas Mueller
Signatory's Position: Owner

Signatory's Phone Number: 2024509109

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder ; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 87094382

Internet Transmission Date: Mon Dec 12 10:39:48 EST 2016

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20161212103948310

665-87094382-570efe866c67aef71832f9faa5f

5c3eb4f9c076975d72af1ae010d25d3d0b8ad-N/

A-N/A-20161212100052138328

KEEP AMERICA GREAT



**KEEP AMERICA
GREAT**





THE ORIGINAL

FLEXFIT

S / M

IT FITS YOUR LIFE

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#StopTheHate

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